



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: LBM, Inc.
File: B-260828
Date: March 30, 1995

DECISION

LBM, Inc. protests any award of a contract by the Department of Army under invitation for bids No. DAKF24-95-B-0007. LBM contends that the eight low bidders submitted unreasonably low prices.

The submission of a below cost offer is not a valid basis to object to a contract award. An offeror, in its business judgment, properly may decide to submit a price that is extremely low. Diemaster Tool, Inc., B-238877, Apr. 5, 1990, 90-1 CPD ¶ 375. An agency decision that the contractor can perform the contract at the offered price is an affirmative determination of responsibility which we will not review absent a showing of possible fraud or bad faith on the part of procurement officials, or that definitive responsibility criteria in the solicitation may have been misapplied. JWK Int'l Corp., B-237527, Feb. 21, 1990, 90-1 CPD ¶ 198. Neither exception applies here.

The protest is dismissed.

Michael Golden

Michael Golden
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